

REMARKS

Status of the Claims

Claims 9-28 are pending in the present Application. Claims 1-8 are canceled by this amendment. Claims 9-14 are withdrawn from consideration. New claims 15-28 have been added.

No new matter is being introduced into the Application by way of this amendment. The subject matter of new claims 15, 16, and 18 correspond to canceled claims 5, 6, and 7. Support for new claims 15, 16, and 18 can be found at page 6, second full paragraph, of the Specification. Support for new claim 17 can be found at page 7, first full paragraph, of the Specification. Support for claim 19 can be found at page 8, paragraph 1, of the Specification. Support for new claims 20, 21, and 22, can be found at page 6, line 15 of the Specification. Support for new claims 23-28 can be found at page 6, lines 18-25 of the Specification.

Withdrawn claims 9-13 have also been amended, as they previously depended on now canceled claims 1-4. Support for the amendments to claims 9-13 can be found at page 6, second full paragraph, of the Specification.

The Specification has also been amended to place the Title of the Application at the top of page 1 preceding the priority information.

Accordingly, entry of this amendment is appropriate, and respectfully requested.

Informalities

At page 2, sections 2 and 3 of the Office Action, the Examiner Objects to language in the claims referring to a "sequence listing." The Examiner also Objects to the Specification because the priority information should be preceded by the Title.

The references to "sequence listing" in the claims have been deleted. This amendment also adds the Title to the Specification on page 1 before the priority information. Accordingly, withdrawal of these Objections is respectfully requested.

Claim Rejections – 35 U.S.C. §101

At page 2, section 4, of the Office Action, claims 1-8 are rejected under **35 U.S.C. §101** as directed to non-statutory subject matter.

Claims 1-8 are canceled by this amendment, rendering this rejection moot. Withdrawal is respectfully requested.

Claim Rejections - 35 U.S.C. §112

1. Written Description

At page 3, section 5, of the Office Action, claims 1-3 and 5-8 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. For the following reasons, this rejection is respectfully traversed.

At page 3 of the Office Action, the Examiner asserts that the Applicants have not demonstrated possession of a genus of receptors as shown in SEQ ID NO: 1 with a small number

of amino acid residues substituted or deleted, or a small number of amino acid residues inserted or added.

Claims 15, 16, and 18, now recite an amino acid sequence as shown in SEQ ID NO: 1, or an amino sequence having a homology of not less than 90% with the sequence shown in SEQ ID NO: 1. As described at page 6, lines 6-25 of the Specification, it is well known in the art that a small number of substitutions, additions, or deletions in an amino acid sequence such as the one shown in SEQ ID NO: 1 will not alter the physiological activity of the peptide. Since the claims now require that the homology is not less than 90% with the amino acid sequence shown in SEQ ID NO:1, one of skill in the art would know that the Applicants were in possession of the full scope of the subject matter of the claims.

Claims 20-22 recite a receptor consisting essentially of a protein with a homology of not less than 95% with the sequence shown in SEQ ID NO: 1. Claims 20-22 are supported at page 6, line 15 of the Specification. Since it is well known in the art that proteins with such a high degree of homology would have the same physiological properties, one of skill in the art would understand that the Applicants were in possession of the invention of claims 20-22.

Likewise, claims 23-28 are fully supported by the Specification at page 6, lines 18-25. It is well known in the art that substitution of an amino acid with an amino acid from the same group, as listed on page 6 of the Specification, will not change the physiological properties of the protein. Therefore, the Applicants have demonstrated to one of skill in the art that they are in full possession of the inventions of claims 23-28.

The Applicants respectfully submit that the Specification provides full written description support for the claims, as currently amended, under 35 U.S.C. §112, first paragraph. Therefore,

the Applicants respectfully submit that the rejection of the claims for failing to comply with the written description rejection should now be withdrawn.

2. Enablement

At page 5, section 6, of the Office Action, claim 8 is rejected under 35 U.S.C. §112, first paragraph for failing to comply with the enablement requirement. For the following reasons, the Applicants respectfully traverse.

Claim 8 is canceled by this amendment which renders this rejection moot. The Applicants respectfully submit that all of the claims are fully enabled by the present Specification. One of skill in the art would be able to practice the full scope of the claims, as presently amended without undue experimentation. Withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §112, second paragraph

At page 6, section 7, of the Office Action, claims 1-8 are rejected under 35 U.S.C. §112, second paragraph as indefinite. The Examiner asserts that the terms "small" and "several" as used in the claims renders the claims indefinite. For the following reasons, the Applicants respectfully traverse.

The terms "small" and "several" are no longer used in the claims as currently amended, rendering this rejection moot. Withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §102

At page 6, section 8, of the Office Action, claims 1-8 are rejected under 35 U.S.C. §102(b) as anticipated by Stuiver et al. (Journal of Experimental Medicine, 1990, 172:1049-1054). For the following reasons, this rejection is respectfully traversed.

The claims, as currently amended, recite methods for binding, measuring, and adsorbing human parvovirus B19. As the Examiner mentions at page 7, second full paragraph, of the Office Action, the discovery by the Applicants of the relationship between parvovirus and the claimed protein is novel. Stuiver nowhere discloses or suggests methods for binding, measuring, and adsorbing human parvovirus as presently claimed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Stuiver does not disclose or suggest each and every element of the present invention, Stuiver cannot anticipate the present claims.

In addition, "[T]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03. Because Stuiver does not disclose or suggest all of the limitations of the present claims, Stuiver also cannot render the present invention obvious under 35 U.S.C. §103(a).

Accordingly, the Applicants respectfully submit that the present claims 9-28 are completely free of the prior art, and are presently allowable. The Applicants respectfully submit

that the present Application is in condition for allowance. An early reconsideration and Notice of Allowance are earnestly solicited.

Conclusion

Should there be any outstanding matters that need to be resolved in the present Application, the Examiner is respectfully requested to contact J. Mark Konieczny (Reg. No. 47,715) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present Application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By: 

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